APSA, SPCC & YOU

All you've ever wanted to know….

….and more!

Welcome & Overview

30 min– APSA Overview

30 min- APSA Requirements, Violations, Penalties and Exemptions

15 min- Break

15 min- SPCC Rule Facilities

20 min- Review Of A Sample SPCC Plan

30 min- Review FAQs/ Q & A Session

Aboveground Petroleum Storage Act

Assembly Bill 1130 (Laird)
Chaptered October 13, 2007

THE LINGO

ACRONYMS

and

DEFINITIONS

ACRONYMS

CalEPA- California Environmental Protection Agency

CUPA- Certified Unified Program Agency

DTSC- Department of Toxic Substance Control

EPA- Fed. Environmental Protection Agency

EPTF- Environmental Protection Trust Fund

Cal EMA- California Emergency Management Agency (formerly OES)

RWQCB- Reg. Water Quality Control Board

SPCC- Spill Prevention Control and Countermeasure

SWRCB- State Water Resources Control Board

DEFINITIONS

H&SC Chapter 6.67 Definitions

Aboveground storage tank - A tank (or container) with a capacity to store 55 gallons or more of petroleum that is substantially or totally above the surface of the ground. *(Includes drums, totes, portable tanks, hydraulic fluid reservoir)*

Operator - Person responsible for the overall operation of the tank facility

DEFINITIONS

H&SC Chapter 6.67 Definitions

Owner - Person who owns the tank facility or part of the tank facility

Person - individual, trust, firm, company, corporation, government corp., city, county, district, Univ. of Calif., Cal State Univ., state, all state agencies & departments, and the U.S. to the extent authorized by federal law.

DEFINITIONS

H&SC Chapter 6.67 Definitions

Petroleum - Crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit and 14.7 pounds per square inch absolute pressure

Examples: Aviation fuels, automotive and other petroleum-based engine fuels, fuel oils, distillate fuel, heating oils, gasoline, petroleum based lubricating oils, petroleum distillates, solvents, spirits, naphthas, olefins, alkanes, aromatics, biodiesel mixed with any amount of petroleum, etc.

Excludes propane, liquid natural gas (LNG) and LPG, and asphalts

DEFINITIONS

H&SC Chapter 6.67 Definitions

Release - any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, or disposing into the environment

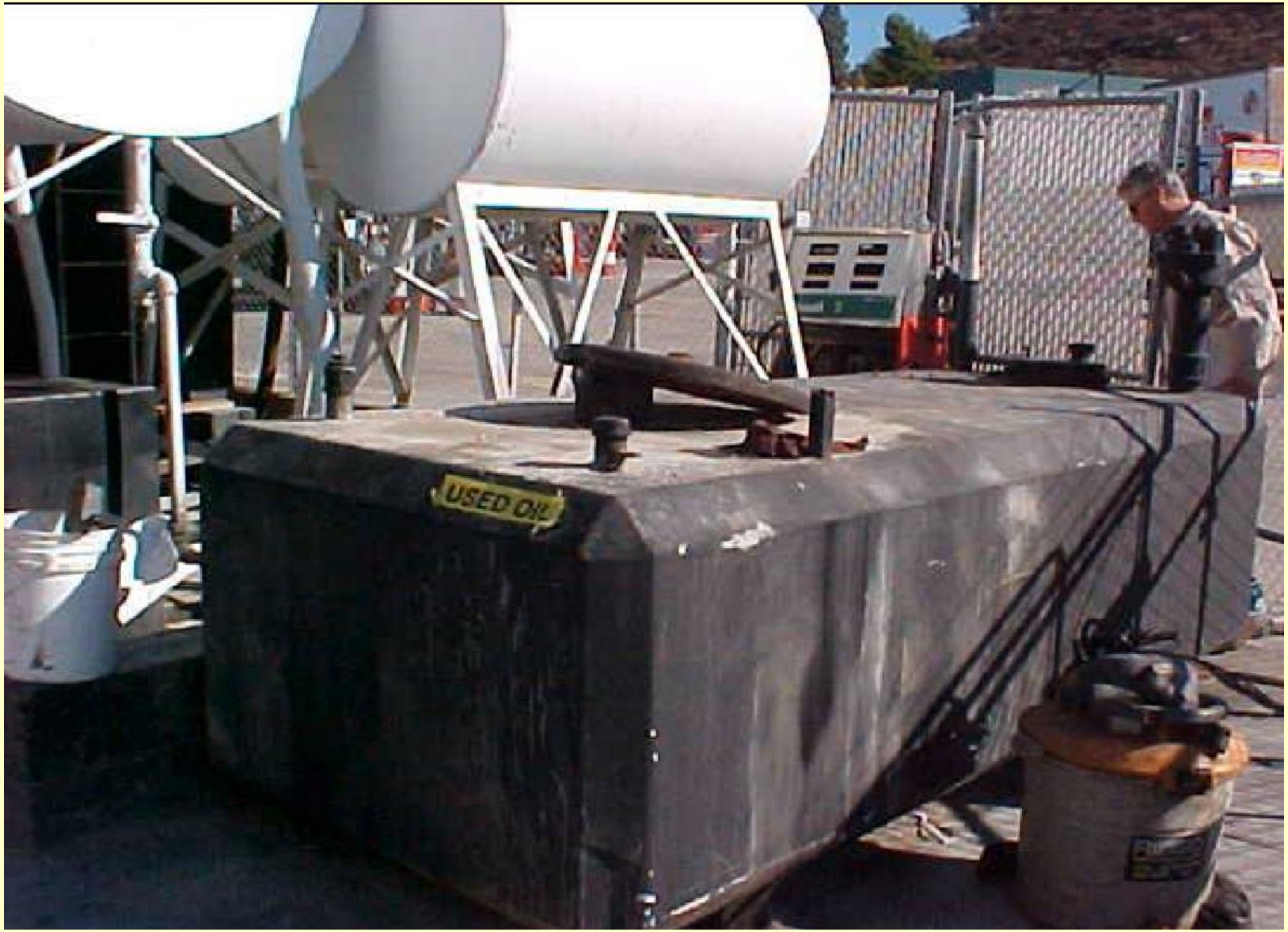
Storage - Containment, handling, or treatment of petroleum, for any period of time, including on a temporary basis

Storage capacity - the aggregate **capacity** of all aboveground tanks at a tank facility

DEFINITIONS

H&SC Chapter 6.67 Definitions

Tank facility - Any one, or a combination of, above-ground storage tanks, including any piping that is integral to the tank, that **contains petroleum** and that is used by a single business entity at a single location or site.


USED OIL

DEFINITIONS

H&SC Chapter 6.67 Definitions

Pipe - for purposes of this chapter a pipe is integrally related to the AST if it is connected to the AST and meets **any** of the following:

- pipe is within the dike or containment area
- pipe is between the containment area & first flange or valve outside the containment area
- pipe is connected to the first flange or valve on the exterior of the tank, if state or fed law does not require a containment area

DEFINITIONS

H&SC Chapter 6.67 Definitions

Tank facility statement - A statement that includes the following information for the tank facility: the facility name and address, a contact person, total storage capacity, and the location, size, age, and contents for each storage tank that exceeds 10,000 gallons in capacity and **holds a substance containing at least 5% of petroleum**. HSC 25270.6(a)

Prior to AB 1130

PREVIOUS LAW

- The SWRCB was responsible for administering and enforcing the APSA program.

- Required CUPAs to verify that a SPCC plan had been prepared when they conducted the routine Unified Program compliance inspections at tank facilities.

Prior to AB 1130

PREVIOUS LAW

- If a SPCC plan had not been prepared, the CUPAs were required to submit a referral to the appropriate RWQCB for enforcement.

- It also required a tank facility owner or operator to file a storage statement with the SWRCB and pay the fee specified in law to the SWRCB.

AB 1130

SUMMARY

This bill

- Authorizes the expenditure of a portion of the Environmental Protection Trust Fund (EPTF), in an amount determined by the Secretary for Environmental Protection in consultation with the CUPAs, to a training account established and maintained by the Secretary to be used for purposes of training CUPA personnel in the requirements of the act.

AB 1130

SUMMARY

This bill

- Transfers the responsibility for the implementation, enforcement, and administration of the Aboveground Petroleum Storage Act (APSA) from the State Water Resources Control Board (SWRCB) to the Certified Unified Program Agencies (CUPAs) effective January 1, 2008.

AB 1130

SUMMARY

This bill

- Makes changes to ensure consistency with the federal Spill Prevention Control and Countermeasure (SPCC) rule provided in the U.S. Code of Federal Regulations, title 40, part 112 (40CFR112).

APSA Highlights

THE BILL

- Establishes the Aboveground Petroleum Storage Act (APSA) in the California H & SC.
- Became effective on January 1, 2008.
- Defines key terms, such as: a*boveground storage tank; petroleum; storage capacity; tank facility*; etc.
- Identifies when tank facilities are subject to and exempt from the APSA.

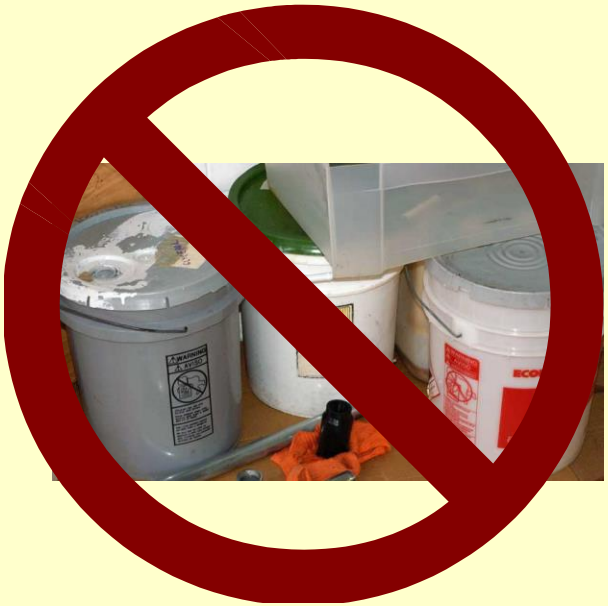
APSA Highlights

THE BILL

- Transfers the authority and responsibility for administration of the APSA from the SWRCB to the CUPAs.

- Requires the owner or operator of a tank facility, with an aggregate **storage capacity** of 1,320 gallons or more of a substance containing **any amount of petroleum**, to prepare and implement a SPCC plan in accordance with federal law, 40 CFR 112.

- 1,320 gallons of petroleum in containers/tanks 55 gallons or larger



APSA Highlights

THE BILL

- Requires the CUPAs to conduct inspections at tank facilities with an aggregate storage capacity ≥ 10,000 gallons of petroleum at least every three years.

APSA Highlights

THE BILL

- Requires inspectors to complete an AST training program and pass an examination on the SPCC Plan provisions and safety requirements of aboveground storage tank inspections.

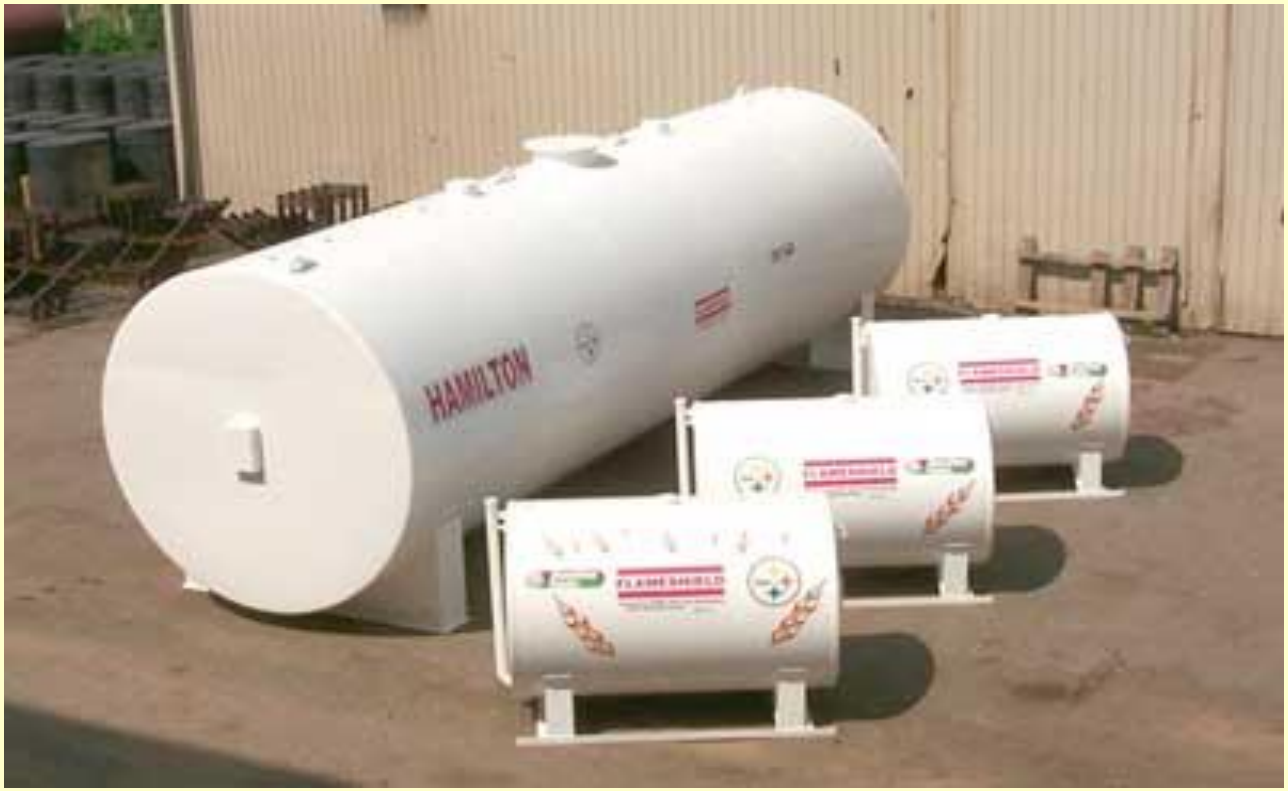
- The training program and the examination were developed by the Secretary for Environmental Protection.

APSA Highlights

THE BILL

- Establishes civil penalties
- Specifies that any penalties assessed and recovered in a civil action by a city or district attorney would be shared 50% to the CUPA and 50% to the city or district attorney.
- Clarifies that transportation-related tanks are regulated by the U.S. Department of Transportation (DOT) and that underground storage tanks regulated by HS&C 6.7 and CCR Title 23 are not subject to the APSA.

Aboveground Petroleum Storage Act



- So, what do we do now…

REQUIREMENTS OF APSA

The CUPA must inspect each storage tank or a representative sampling of the storage tanks at each tank facility that has a storage capacity of 10,000 gallons or more of petroleum at least once every three years. *(H&SC § 25270.5)*

- The purpose of the inspection shall be to determine whether the owner or operator is in compliance with the SPCC Plan requirements of the APSA.

PCEH will be conducting inspections on *all* facilities subject to APSA.

REQUIREMENTS OF APSA

Owner/Operators subject to this Chapter [*H&SC § 25270.4.5(a)]* shall:

A. Prepare a Spill Prevention Control and Countermeasure (SPCC) Plan
   - in accordance with U.S. Code of Federal Regulations Title 40, Part 112 (40 CFR 112)

B. Conduct periodic self inspections
   - to assure compliance with 40 CFR 112 (Inspections, Tests, and Records)

C. Implement SPCC Plan
   - in compliance with 40 CFR 112
   - *May require installing secondary containment*

Secondary Containment?

1) “Sized Secondary Containment”– applies to bulk storage– 100% of largest container/tank plus sufficient freeboard for precipitation 40 CFR 112.8(c)(1)(2)

2) General Containment 40 CFR 112.7(c)

- Provide appropriate containment or diversionary structures or equipment to prevent a discharge.
- Options: Dikes, berms, retaining walls, curbs, culverts, gutters or other drainage systems, weirs, booms or other barriers, diversion ponds, retention ponds or sorbent materials.
- Applies to:

  –Loading/unloading *areas* (fuel transfers by flex line, not “Loading Racks” which are subject to 112.7(h));

  –Above-ground single-wall piping;

  –Oil-filled operational equipment;

  –Mobile refuelers.


USED OIL
USED OIL

REQUIREMENTS OF APSA

On or before January 1, 2009, and on or before January 1 annually thereafter, each owner or operator of a tank facility subject to the APSA shall file with the CUPA a tank facility statement. *[H&SC § 25270.6(a)]*

- At this time Placer County is requiring the submittal of the tank facility statement on or before July 1, 2010.
- Every year thereafter, on or before January 1, the owner or operator of a tank facility will be required to submit an annual Tank Facility Statement page.

UNIFIED PROGRAM CONSOLIDATED FORM
COUNTY OF PLACER
DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISON
3091 COUNTY CENTER DR STE 180
AUBURN, CA 95603
530-745-2300 FAX 530-745-2352

ABOVEGROUND – TANK INFORMATION

DATE SUBMITTED:

I. FACILITY INFORMATION

FACILITY ID # *(Agency Use Only)* [ ][ ] — [ ][ ][ ] — [ ][ ][ ][ ][ ][ ] 1

BUSINESS NAME (Same as FACILITY NAME or DBA-Doing Business As) 3

BUSINESS SITE ADDRESS 103	CITY 104	ZIP CODE 105
CONTACT NAME 117A	CONTACT PHONE NUMBER 118A	
Does the facility have a SPCC plan? ☐ **YES** ☐ **NO** 920 (see reverse for instructions)	**Date of the SPCC Plan Reviewed/ Revised:**	

II. TOTAL FACILITY CAPACITY (in gallons) 921

Facility's total aboveground petroleum storage capacity for all tanks and containers equal to or greater than 55 gal.: gal
(see reverse for instructions)

Capacity of the largest tank/container that stores petroleum at your facility (in gallons): gal

III. TANK DETAILS

For each storage tank that exceeds 10,000 gallons in capacity and that holds a substance containing at least 5 percent of petroleum. (attach additional forms if needed)

TANK USE CODE
1a. MOTOR VEHICLE FUELING 1b. MARINA FUELING 1c. AVIATION FUELING
2. BULK PRODUCT STORAGE 3. GENERATOR FUEL 4. OIL-FILLED EQUIPMENT
5. WASTE 6. OTHER (specify)

922 Tank ID Number	923 Contents (Gas, Diesel, etc)	Tank Use Code	924 Capacity (in gallons)	925 Tank Location	926 Age of Tank (in years)	927 Secondary Containment
				SEE SITE MAP/PLAN FOR TANK LOCATION		☐ Yes ☐ No
						☐ Yes ☐ No
						☐ Yes ☐ No
						☐ Yes ☐ No
						☐ Yes ☐ No
						☐ Yes ☐ No
						☐ Yes ☐ No
						☐ Yes ☐ No
						☐ Yes ☐ No
						☐ Yes ☐ No

IV. APPLICANT SIGNATURE

CERTIFICATION: I certify under penalty of law that this AST system is compatible with the hazardous substance stored and that the information provided herein is true, accurate, and complete to the best of my knowledge.

APPLICANT SIGNATURE	DATE
APPLICANT NAME (print)	APPLICANT TITLE

Total Facility Capacity

How to Calculate Total Petroleum Capacity for your Facility: a + b + c = Total Facility Capacity

No. of tanks and containers x size = Total Capacity *in gallons* (e.g., 2 x 550 gal. AST = 1100; 6 x 55 gal. drums = 330; 1100 + 330 = 1430 gals.)		
_____ x 55 gal. = _____	_____ x 1,000 gal. = _____	_____ x _____ gal. = _____
_____ x 100 gal. = _____	_____ x 2,000 gal. = _____	_____ x _____ gal. = _____
_____ x 250 gal. = _____	_____ x _____ gal. = _____	_____ x _____ gal. = _____
_____ x 500 gal. = _____	_____ x _____ gal. = _____	_____ x _____ gal. = _____
Subtotal (a) = _____	Subtotal (b) = _____	Subtotal (c) = _____

TOTAL FACILITY CAPACITY

– Enter the facility's total petroleum aboveground storage tank capacity (in gallons). Aboveground storage tank means a tank or container that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground. Petroleum includes waste oil. Storage includes **standby storage, seasonal storage**, and **temporary storage**. To calculate the capacity of 55 gallon drums on site, use the **maximum** number of drums that would **typically be stored** at your facility.

REQUIREMENTS OF APSA

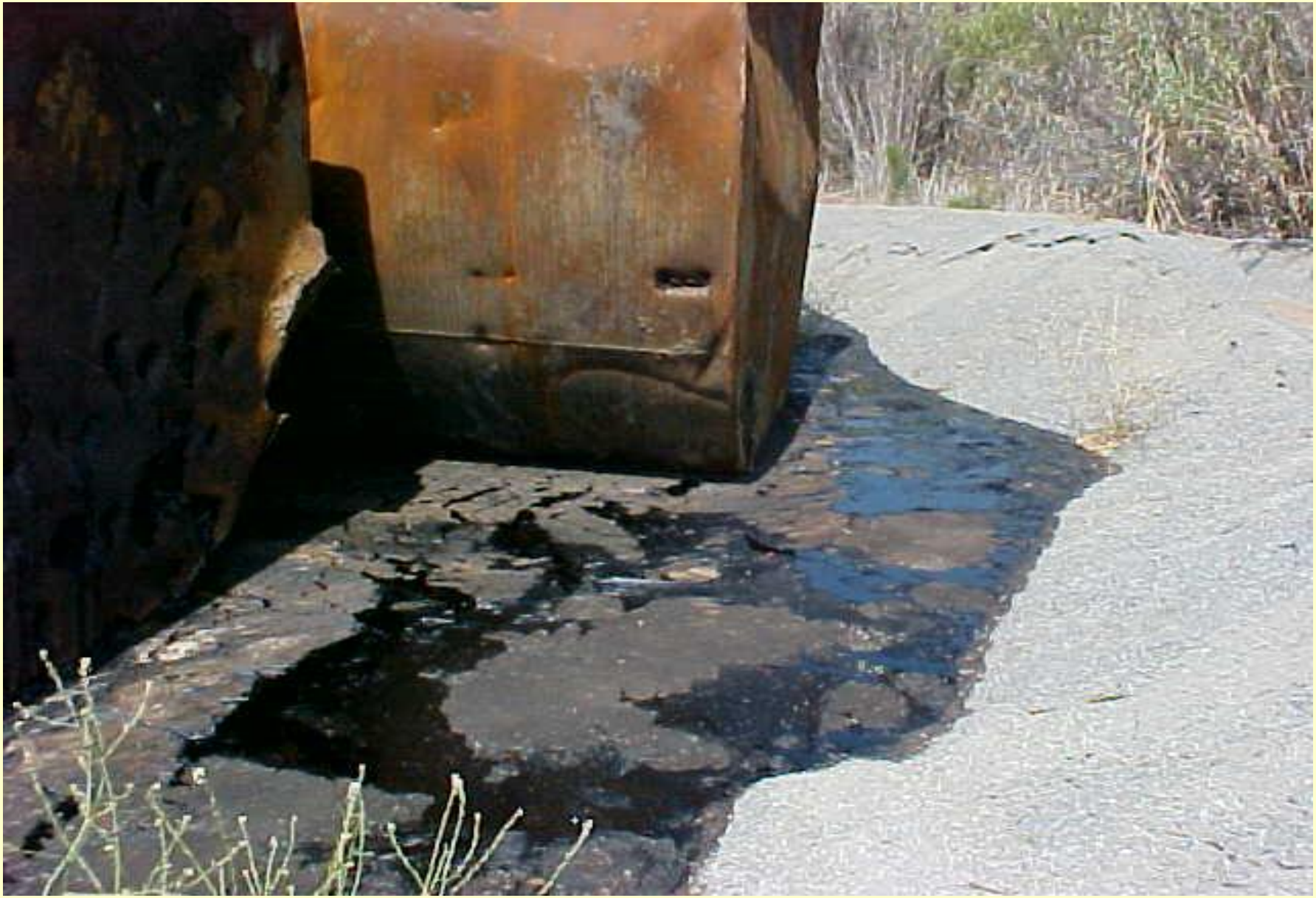
Each year, beginning January 2010, each owner or operator of a tank facility subject to the requirements of Chapter 6.67 shall pay a fee to the CUPA. *[HSC §25270.6(b)]*

- The governing body of the CUPA shall establish a fee, as part of the single fee system implemented pursuant to Section 25404.5, sufficient to pay the costs incurred by the CUPA in administering the APSA, including, but not limited to, inspections, enforcement, and administrative costs.

REQUIREMENTS OF APSA

Each owner or operator of a tank facility shall immediately, upon discovery, notify the Governor's Office of Emergency Services (now called Cal EMA) and the CUPA of the occurrence of a spill or other release of one barrel (42 gallons) or more of petroleum that is required to be reported pursuant to Section 13272(a) of the Water Code. *(H&SC § 25270.8)*

-*Remember, 19 CCR § 2703(a) requires you to report any release or threatened release of a hazardous material to the environment.*



Spill Log

	Date of Spill	Time	Description of Occurance (What Happened)	Approx Amt of Spill	Corrective Action Taken (Equipment Used)	Agency Called	Agency Person Contacted	Employee Initials
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								

Rule #1: All spills must be logged.

Rule #2: If spill cannot be contained on the facility property by employees in the immediate spill area, you must call 911.

Rule #3: If there is a threatened release, call 911.

Rule #4: If Rules #2 and /or #3, apply call Placer County Environmental Health (PCEH) immediately. 530-745-2300

APSA VIOLATIONS

Violations : Failure to

- prepare a SPCC Plan
- file a tank facility statement
- submit required annual fee
- report spills
- comply with other APSA requirements
- implement the SPCC Plan

(H&SC § 25270.12)

APSA PENALTIES

CIVIL PENALTIES:

- Not more than $5,000 for each day the violation continues.

- Not more than $10,000 for a second or subsequent violation for each day the violation continues

(H&SC § 25270.12)

APSA EXEMPTIONS

EXEMPTIONS

Exempt from definition of Aboveground Storage Tank:

1. Pressure vessel or boiler subject to Labor Code Division 5 Part 6 §7620 et al
2. Hazardous waste tank with a Hazardous waste facility permit from DTSC
3. Aboveground oil production tank subject to Public Resources Code § 3106

EXEMPTIONS

Exempt from definition of Aboveground Storage Tank:

4. Oil-filled electrical equipment (transformers, circuit breakers, capacitors) if it
   - contains < 10,000 gal of dielectric fluid
   - contains ≥ 10,000 gal of dielectric fluid with PCBs < 50ppm with appropriate containment to prevent oil from reaching navigable water & visual inspection.

EXEMPTIONS

Exempt from definition of Aboveground Storage Tank:

5. A tank regulated as an underground storage tank under H&SC Chapter 6.7 and 23 CCR Div 3 Ch 16

6. Any transportation-related tank subject to the authority of the U.S. Department of Transportation (DOT) per 40 CFR 112 Appendix A

EXEMPTIONS

A tank facility located on a farm, nursery, logging site, or construction site, is exempt from preparing a SPCC under APSA if:

1. No storage tank at the location exceeds 20,000 gallons, and

1. The cumulative storage capacity of the tank facility does not exceed 100,000 gallons

EXEMPTION - Conditions

A tank facility located on a farm, nursery, logging site, or construction site must:

1. Conduct a daily visual inspection of all aboveground storage tanks containing petroleum
2. Allow the CUPA to conduct periodic inspections
3. Install secondary containment if the CUPA determines that it is necessary for the protection of the waters of the state

Note: There is no exemption for these facilities under the federal law

BREAK

What is a SPCC?

Spill Prevention Control & Countermeasure Plan

- The SPCC rule describes requirements for certain facilities to prepare, amend, and implement plans for the prevention of oil spills to navigable water wherever quantities of petroleum are handled.
  - In California, the SPCC Plan is implemented to prevent spills into the waters of the State.
- Details the equipment, workforce, procedures and steps to prevent, control and provide adequate countermeasure to a discharge.

SPCC Rule
Tank facility types

- There are three “types” of facilities:
  - Tier I qualified facility
  - Tier II qualified facility
  - Non-qualified facility

Tier I Facility

Within any 12 month period, 3 years prior to the Plan certification date;

- No single discharge to navigable waters exceeding 1,000 gallons
- No two discharges of oil to navigable waters exceeding 42 gallons

Tier I Facility

- Has no individual aboveground oil container greater than 5,000 gallons
- Has a total aboveground oil storage capacity of 10,000 gallons or less

THEN:

- Can self certify the SPCC Plan; does not require PE review or PE certification

Tier II Facility

Within any 12 month period, 3 years prior to the Plan certification date;

- No single discharge to navigable waters exceeding 1,000 gallons
- No two discharges of oil to navigable waters exceeding 42 gallons

Tier II Facility

- Has an individual aboveground oil container greater than 5,000 gallons
- Has a total aboveground oil storage capacity of 10,000 gallons or less

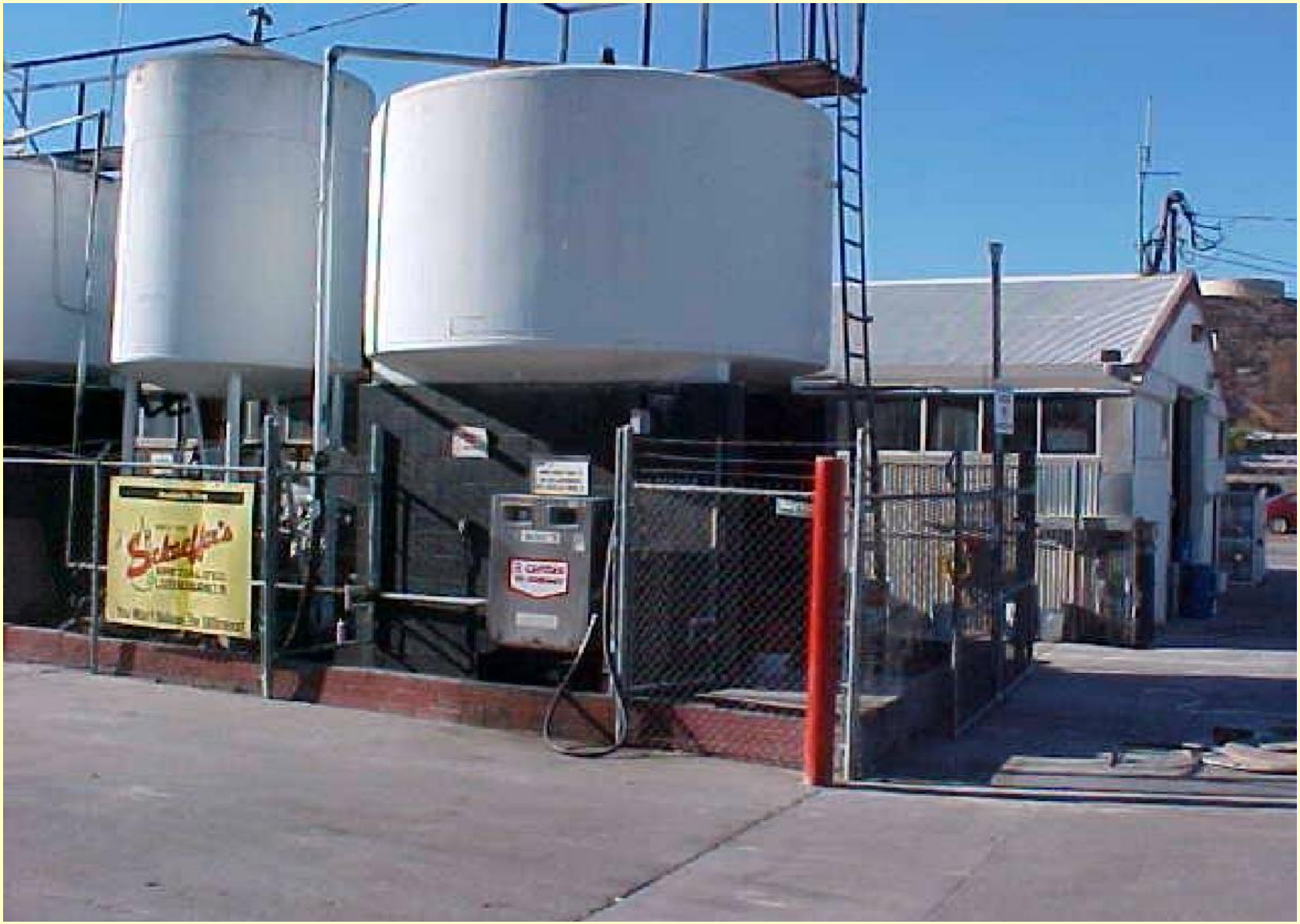
AND

- Must prepare a self-certified Plan (not the template) following the requirements in 40 CFR 112

Non-Qualified Facilities

- Owner or operator eligible for qualified facility status, but chooses to not take it
- Any facility with a total petroleum aboveground storage capacity > 10,000 gallons
- A previously classified Tier I or II qualified facility that has had a single discharge exceeding 1,000 gallons or two discharges of oil to the environment exceeding 42 gallons within any 12 month period, 3 years prior to the SPCC Plan certification date.

Prepare a PE-Certified Plan in accordance with 40CFR 112.7 and subparts B and C



What does a SPCC Plan look like?

SAMPLE SPCC PLAN-
TEX'S BULK STORAGE TERMINAL

HANDOUT

Quick Review

FAQ’s

Who is subject to the requirements of APSA?

- A tank facility is subject to APSA if:

  -the “tank facility” is subject to the oil pollution prevention regulations specified in Part 112 (commencing with section 112. 1) of subchapter D of chapter I of title 40 of the Code of Federal Regulations; or

  -the tank facility has a storage capacity of 1,320 gallons or more of petroleum in 55 gallon drums or larger.

Important Note: The California APSA only regulates tank facilities that store petroleum and not other oils, as does the federal (SPCC) Rule (subject to 40CFR112). The Act’s definition of petroleum and tank facility must first be applied before considering the first applicability criteria above.

Is asphalt, propane, liquefied petroleum gas, or liquefied natural gas regulated under APSA?

- No. Propane or natural gas, including LNG and LPG, and asphalts are not a liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure (normal atmospheric pressure at sea level) and is therefore not regulated under APSA.

What is petroleum?

- The Act defines "petroleum" to mean crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure (normal atmospheric pressure at sea level). Some examples of petroleum products stored in aboveground storage tanks and are subject to APSA are as follows:
- Petroleum-based liquid fuels, including:
  - Aviation fuels (including jet, turbine, and piston fuels)
  - Automotive and other petroleum-based internal combustion engine fuels
  - Fuel oils and distillate fuels (turbine, boiler, and other types
  - Heating oil and distillates
- Illuminating (e.g. lamp) oils
- Gasoline and other fuel blending stocks
- Petroleum-based lubricating, tapping, seal, penetrating, machining, and road oils and greases (including waste oils)
- Petroleum distillates; Petroleum- or petroleum-distillate based additives (including fuel, oil, ink and paint additives)
- Petroleum solvents
- Petroleum spirits (e.g. mineral spirits, Stoddard solvent, paint thinners)
- Hydrocarbon liquids; Naphthas and naphthalenes of all types
- Olefins, alkanes, alkylates, aromatics; Petroleum-based inks and ink extenders
- Oil-based paints, coatings, thinners and solvents; Petroleum extender oils; Mineral oils (derived from petroleum); Crude oil

What tank facilities are exempt from the APSA program?

- A tank facility located on a farm, nursery, logging site, or construction site, while still regulated under APSA, is not subject to the requirement to prepare and implement an SPCC Plan if:
  - no storage tank at the location exceeds 20,000 gallons; **and**,
  - the cumulative storage capacity of the tank facility does not exceed 100,000 gallons.

Please note that while farms, nurseries, logging sites, or construction sites are conditionally exempt from the requirement to prepare an SPCC Plan under APSA, these facilities are not exempt from federal SPCC requirements enforced by US EPA.

Does any percentage of petroleum oil content in a mixture (no matter how small) bring the mixture into APSA regulation as “petroleum”?

- Yes, all mixtures that contain any amount of petroleum are considered to be petroleum and therefore must be included when determining the tank facilities total storage capacity.

Are businesses with aboveground storage tanks containing vegetable and/or animal oil, which are regulated under the federal SPCC plan rule, also regulated under the APSA program?

- No. The requirements of the California APSA program only regulates petroleum and only applies to “tank facilities” that have ASTs that contain or are intended to contain petroleum products.
- Be aware that EPA’s SPCC rule regulates facilities with ASTs that contain other non-petroleum based oils, which are not captured under APSA, and may be subject to federal regulation and US EPA oversight.
- For tank facilities with both petroleum and non-petroleum oils subject to both APSA and the federal SPCC rule, a single integrated SPCC Plan can be prepared. A separate SPCC Plan is not required for ASPA.

Does the phrase “construction site” as used in section 25270.4.5 (b) of the Health and Safety code include construction “yards” and quarries?

- No, a construction yard is not considered to be a construction site. A yard is a place where construction equipment is stored and maintained and subject to the requirements of APSA.
- Yes, quarries are considered to be included in the meaning of “construction site”.

Construction activities are being performed on a portion of a manufacturing, commercial or maintenance facility with aboveground tanks. Is the entire facility considered a "construction site"?

- No, only the portion of the facility actually undergoing construction would be considered a "construction site". Only the AST's associated with the construction activities could be included in a conditional exemption.

If a tank facility has multiple ASTs that are *owned and operated* by different persons, and if the total capacity of the tank(s) for each business is less than 1,320 gallons, but the total for all tanks at this single location exceeds 1,320 gallons, is each business subject to APSA?

- No. The Health & Safety Code (H&SC), Section 25270.3 states that a "tank facility" that has a storage capacity of 1,320 gallons or more of petroleum is subject to regulation under APSA. However, Section 25270.2 of the H&SC defines "tank facility" as being used by a single business entity at a single location or site. Therefore, the storage capacity would not be the cumulative amount of petroleum on site, but rather the cumulative amount of petroleum that is owned and operated by the same business entity.

Could circumstances exist that would cause a UST to be regulated under APSA?

- No. APSA states that a tank regulated as an UST under Chapter 6.7 of the HSC is exempt from the definition of an aboveground tank under APSA. Conversely, an underground tank excluded from Chapter 6.7 would be subject to APSA.
- However, unless the APSA-excluded California UST is a ‘completely buried tank’ it would be regulated under the federal SPCC regulations. An example of such a tank is a tank located in a below-grade vault.

Are tank facilities regulated under APSA exempt from federal (EPA) regulation under federal SPCC rules?

- No. There is no federal delegation of the federal SPCC program, and APSA has no impact on federal regulation or enforcement of SPCC requirements at California facilities.

Are petroleum storage tanks in basements considered to be aboveground storage tanks under APSA?

- Yes. If the tanks in basements are not being regulated under HSC, chapter 6.7 and Title 23 of the California Code of Regulations, then they would be considered ASTs under APSA. However, unless the APSA-excluded California UST is a ‘completely buried tank’, it would be regulated under the federal SPCC regulations.

Are tanks, reservoirs or containers for hydraulic fluid considered to be ASTs and therefore subject to regulations?

- Below grade tanks which are considered an ‘underground storage tank’ under 23 CCR are exempt from regulation under APSA.
- If the hydraulic tank is not an underground storage tank and if the hydraulic tanks or containers have a capacity 55 gallons or greater, and the hydraulic oil is petroleum product, the containers are considered an AST and are regulated under APSA.

Are there regulations for underpiping systems associated with ASTs?

- Yes. APSA contains the requirement for SPCC Plans to be prepared and implemented in accordance with part 112 of Title 40 Code of Regulations. The federal SPCC regulations contain requirements for buried piping at an SPCC regulated facility. However, if the percentage of the portion of the entire AST/underground piping system exceeds 10 percent, the AST/piping system may potentially be regulated as an underground tank system under Chapter 6.7 of the HSC and would therefore be excluded from APSA (but not necessarily federal SPCC rules).

Are below grade oil/water clarifiers considered APSA-exempt underground tanks?

- No they are not APSA exempt. As oil/water clarifiers are exempt from regulation under HSC, chapter 6.7 and title 23 of California Code of Regulations, they are not considered underground tanks and therefore they would be considered ASTs under APSA.

When can an AST be considered permanently closed?

- When all of the following conditions have been met:
  - All liquid and sludge has been removed from each container and connecting line
  - All connecting lines and piping have been disconnected from the container and capped off, all valves (except the ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of the closure
  - 40 CFR 112.2

Who can sign or certify a SPCC Plan?

- Either a registered Professional Engineer or the owner or operator of a specified tank facility may certify a tank facility's SPCC Plan. The tank facility must meet the qualifications as a 'qualified facility', in order for the owner or operator of the tank facility to be permitted to self-certify the SPCC Plan.

Can a facility use a SPCC Plan template?

- In general, a SPCC Plan must be prepared in accordance with good engineering practice. No specific format is required, but if the Plan is not organized to follow the sequence of the requirements of 40 CFR 112, it must have a cross-reference. As long as the Plan contains all the required 40 CFR 112 elements, is facility specific and is prepared in accordance with good engineering practice, any format may be used.

Who reviews the SPCC Plan and how often is the SPCC Plan reviewed?

- The owner or operator is required to review the SPCC Plan at least once every five years. Every review must be documented.

When must a SPCC Plan be amended by the facility operator?

- The owner or operator is required to amend the Plan within 6 months following a review to incorporate more effective control and prevention technologies if the technology will be significantly reduce the likelihood of a release, and the technology has been field proven at the time of the review. The owner or operator must also amend the SPCC Plan as described in 40 CFR 112.5, whenever there is a change in the facility design, construction, operation, or maintenance that materially affects the facility's potential for discharge to the environment. Such amendments must be fully implemented no later than six months after the change occurs. Technical amendments must be certified by a licensed Professional Engineer in accordance with section 112.3 (a) of Title 40 CFR.

Must each tank, drum or other oil storage container have individual secondary containment?

- Not necessarily. A single dike may be used for a group of containers. A dike for a tank battery is required to contain the volume of the largest single container within the battery plus sufficient freeboard to allow for precipitation. The dike should be sufficiently impervious to contain any discharged oil from the tank battery.

We are listening…

- This is a new law and we are learning the program along with you.
- Our goal is to work with facilities to implement the requirements.
- Industry participation as this program develops is VERY important.
- Please send us your feedback, questions, suggestions, etc.

We are very interested in hearing from you!

Placer County CUPA

Hazardous Materials Division-APSA Program

(530) 745-2300